

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

DECISION AND ORDER
22-CR-173-A

TRISTIN PEARSON,

Defendant.

This case was referred to Magistrate Judge Michael J. Roemer pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On March 29, 2023, Defendant Tristin Pearson appeared before Magistrate Judge Roemer and entered a plea of guilty to Count 3 of the Indictment (Dkt. No. 1), which charges him with possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B) and § 2252A(b)(2).

Magistrate Judge Roemer issued a Report and Recommendation (Dkt. No. 18) confirming his oral findings that Defendant's plea of guilty was knowing, voluntary, and supported by a factual basis. No timely objections to the Report and Recommendation have been filed. It is hereby

ORDERED that, upon review of the plea agreement (Dkt. No. 16); plea transcript (Dkt. No. 20) of the March 29, 2023 change-of-plea proceeding before the Magistrate Judge; and the Report and Recommendation, the Court finds that all requirements of Federal Rule of Criminal Procedure 11 have been carefully followed. Defendant's plea of guilty was knowing, voluntary, and supported by a factual basis. The Magistrate Judge informed Defendant, who was placed under oath and addressed personally, of

Defendant's rights and the trial rights he was waiving should the Court accept his plea of guilty, the nature of the charge to which he was pleading guilty, and any maximum possible penalty, among the other requirements listed in the Rule. The Magistrate Judge determined that Defendant understood the foregoing. Accordingly, Defendant's plea of guilty is accepted based upon the oral findings of the Magistrate Judge as confirmed in the written Report and Recommendation.

Sentencing is scheduled for August 30, 2023 at 12:30 p.m. The parties are directed to the Court's forthcoming Text Order for the submission of sentencing documents.

IT IS SO ORDERED.

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: April 26, 2023
Buffalo, New York